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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 IN RE: SOCIAL MEDIA ADOLESCENT
12 ADDICTION/PERSONAL INJURY
13 PRODUCTS LIABILITY LITIGATION

Case No. 4:22-MD-03047-YGR

MDL NO. 3047

14 This Document Relates to:
15 BELLWETHER PERSONAL INJURY
ACTIONS

STIPULATION AND [PROPOSED] ORDER
RE: BELLWETHER PERSONAL INJURY
DEFENDANT FACT SHEET AND
SNAPSHOTS

Pursuant to the Court’s authority in the above-captioned action and upon the stipulation of the Parties, the Court enters this Stipulated Order to govern production by Defendants in each bellwether personal injury case in this MDL of DFS Information (as defined below). To the extent Defendants identify issues that will impact their ability to meet these deadlines, they will promptly advise Plaintiffs and confer.

1. Scope and Timing

a. The Court hereby approves the Defendant-specific fact sheets, attached hereto as:

- i. Exhibit A – Meta Defendant Fact Sheet
- ii. Exhibit B – Snap Defendant Fact Sheet
- iii. Exhibit C – TikTok Defendant Fact Sheet
- iv. Exhibit D – YouTube Defendant Fact Sheet

b. Scope (TikTok, YouTube): For each of the eight currently-selected bellwether personal injury Plaintiffs (“Current Bellwethers”), TikTok and YouTube shall, by June 7, 2024, provide a DFS, responsive DFS data, snapshots, and any other non-privileged, non-public, non-duplicative account information or data that the Defendant possesses through a Plaintiff’s user accounts they or their counsel have reviewed in connection with bellwether selection (“DFS Information”), for any account identified by a Current Bellwether on a Plaintiff User Account Preservation Form or User Account Confirmation and Consent Form. For each of the four bellwether personal injury Plaintiffs to be identified by Defendants on May 24, 2024 (“Future Bellwethers”), YouTube shall, by June 14, 2024, provide DFS Information for any account identified by that Future Bellwether on a Plaintiff User Account Preservation Form or User Account Confirmation and Consent Form. For each of the Future Bellwethers, TikTok shall, by June 14, 2024, provide a DFS and responsive DFS data for any account identified by that Future Bellwether on a Plaintiff User Account Preservation Form or User Account Confirmation and Consent Form; and shall provide all remaining DFS Information by June 21, 2024. If YouTube or TikTok intends to withhold production of DFS Information for any account identified solely on a Plaintiff User Account Preservation Form due to good faith uncertainty over

whether the account belongs to the Plaintiff, producing Defendant shall notify Plaintiff Leadership Counsel in writing immediately upon such determination and in no event later than June 1, 2024.

c. Scope (Snap): Snap's obligations under this order are coextensive to those of YouTube and TikTok set forth in subsection (b) above, except Snap's June 7 production of DFS Information shall not include the data set forth in section V.B of the Snap DFS (Exhibit B); such data shall be produced on or before July 8, 2024, or on a date otherwise agreed to by the Parties. Snap shall produce account snapshots for Future Bellwethers on or before June 14, 2024.

d. Scope (Meta): Meta's obligations under this order are coextensive to those of YouTube and TikTok set forth in subsection (b) above, except Meta's June 7 production of DFS Information shall not include data for one Current Bellwether (identified and agreed to by the parties in a separate writing), data for user accounts identified in amended Plaintiff User Account Preservation Forms served after February 27, 2024 (also identified and agreed to by the parties in a separate writing), or data for Future Bellwethers; such data shall be produced on or before July 8, 2024, or on a date otherwise agreed to by the Parties. Meta shall produce account snapshots for Future Bellwethers on or before June 14, 2024.

2. Service of the DFS and Related Materials

a. MDL Centrality (an online platform hosted by BrownGreer, PLC) shall serve as the online platform for the data management of the DFS. Defendants shall upload and serve each DFS form through MDL Centrality, accessible at MDLCentrality.com, and accompanying data shall be produced through secure electronic means, such as secure file sharing methods (*e.g.* FTP), or on CD, DVD, flash drive or external hard drive. Service pursuant to this Order shall constitute effective service under federal law.

3. Admissibility

a. The Federal Rules of Evidence shall govern the admissibility of DFS Information, and Defendants reserve all rights with respect thereto. Nothing in the DFS or this Order shall be deemed to limit or concede the admissibility of evidence during this proceeding, including at trial. This paragraph does not prohibit a party from withholding or redacting

1 information based upon a recognized privilege. Documents withheld on the basis of privilege
2 shall be logged consistent with the Privilege Log Protocol [ECF 740].

3 b. All DFS Information is deemed, at minimum, confidential and protected
4 under the Stipulated Protective Order and will only be used for purposes related to this litigation.

5 c. Nothing in this Order shall preclude Plaintiffs from propounding additional
6 discovery to Defendants concerning additional data or information about bellwether Plaintiffs that
7 is or may be in Defendants' possession, custody, or control.

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9 **IT IS SO ORDERED,**

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11 DATED: _____

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14 YVONNE GONZALEZ ROGERS
15 UNITED STATES DISTRICT JUDGE
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1 Respectfully submitted,

2 DATED: May 20, 2024

By: /s/ Lexi J. Hazam

LEXI J. HAZAM

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ATTESTATION

I, Isaac D. Chaput, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: May 20, 2024

By: /s/ Isaac D. Chaput

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EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

Case No. 4:22-MD-03047-YGR

MDL NO. 3047

**[PROPOSED] DEFENDANT
FACT SHEET – META**

This Document Relates to:

Case Caption and Civil Action No.:

**Full Name of Plaintiff (First, Middle, and
Last):**

DEFENDANT FACT SHEET - META

Defendants Meta Platforms, Inc. f/k/a Facebook, Inc., Facebook Holdings, LLC, Facebook Operations, LLC, Facebook Payments, Inc., Facebook Technologies, LLC, Instagram, LLC, and Sculus, Inc. (collectively, “Meta”); are submitting this Defendant Fact Sheet (“DFS”) for the above-named Plaintiff.

The DFS shall be completed in accordance with the requirements set forth in the applicable Stipulation and Order re: Bellwether Personal Injury Defendant Fact Sheet and Snapshots. Defendants shall complete a separate DFS only for Plaintiffs that have asserted a claim against that Defendant. In completing this DFS, Defendants are under oath and must provide information that is true and correct to the best of its knowledge, information, and belief following a reasonable investigation. Defendants will provide the information requested in this DFS or, if information does not exist in the format requested, data that enables Plaintiffs to calculate or determine the requested information.

Information provided in this DFS constitutes discovery responses. The information provided herein will only be used for this litigation and is designated Confidential under the Protective Order to be entered by the Court. Defendants reserve their right to supplement the information or data provided in response to this DFS.

DEFINITIONS

“YOU,” “YOUR,” or “DEFENDANT” refers to the responding defendant.

“PLATFORM” refers to Instagram and/or Facebook.

“NOTIFICATIONS” refers to alerts sent by Defendant to a user about activity on the Platform.

“ACCOUNT CONFIRMATION FORM” refers to the Plaintiff User Account Confirmation and Consent Form that (1) confirms whether the user accounts identified by the Defendant in the User Account Identification Form are registered to Plaintiff and (2) consents under the Stored Communications Act for the Defendants to disclose user account information for those inaccessible user accounts for which Plaintiffs have confirmed registration.

“SESSIONS” is defined as beginning when a user has an iOS or Android Platform app open or in the foreground and ending when the app closes, crashes, or times out.

“RECENT DATA” refers to data for the most recent consecutive 90-day period preceding the date on which each data point for an account was queried.

“HISTORICAL DATA” refers to data that is older than 90 days prior to the date on which each data point for this DFS was queried, to the extent such data is reliably kept in the ordinary course of business.

I. CASE INFORMATION

1. MDL Case Number:
2. Named Plaintiff:
3. Social Media User at Issue, if different from Named Plaintiff:

II. ACCOUNT INFORMATION

- A. For each account Plaintiff has identified on the Plaintiff User Account Preservation Form and/or on the Account Confirmation Form, provide the following information:
 1. User Name
 2. Unique user identifier
 3. Associated email addresses
 4. DOB associated with the account
 5. Date the account was created
 6. Date the account was last accessed

III. AGE PREDICTION

1. For each account Plaintiff has identified per the Stipulation and Order re: Bellwether Personal Injury Defendant Fact Sheet and Snapshots produce Recent Data and Historical Data showing the age(s) predicted for each account based on the results of age prediction model(s) used by the Platform for age verification.

IV. USAGE INFORMATION

A. Total Time on Platform Per Day:

1. For each account Plaintiff has identified per the Stipulation and Order re: Bellwether Personal Injury Defendant Fact Sheet and Snapshots produce Recent Data and Historical Data sufficient to show the total time spent by each account on the Platform per day.

B. Sessions Per Day

1. For each account Plaintiff has identified per the Stipulation and Order re: Bellwether Personal Injury Defendant Fact Sheet and Snapshots produce Recent Data sufficient to show the total number of user Sessions per day for each account, including the start and end time of each Session.
2. For each account Plaintiff has identified per the Stipulation and Order re: Bellwether Personal Injury Defendant Fact Sheet and Snapshots produce a sample of Historical Data sufficient to show the total number of user Sessions per day for each account, including the start and end time of each Session. The data sample for this category shall comprise three months of data per year (March, July, and November).

V. NOTIFICATIONS

A. Total Number of Notifications Per Day

1. For each account Plaintiff has identified per the Stipulation and Order re: Bellwether Personal Injury Defendant Fact Sheet and Snapshots produce Recent Data and Historical Data sufficient to show the total number of notifications sent to each account per day and the total number of notifications sent to each account per day by each delivery method.

EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

Case No. 4:22-MD-03047-YGR

MDL NO. 3047

**[PROPOSED] DEFENDANT
FACT SHEET – SNAP**

This Document Relates to:

Case Caption and Civil Action No.:

**Full Name of Plaintiff (First, Middle,
and Last):**

DEFENDANT FACT SHEET - SNAP

Defendant Snap Inc. (“Snap”) is submitting this Defendant Fact Sheet (“DFS”) for the above-named Plaintiff.

The DFS shall be completed in accordance with the requirements set forth in the applicable Stipulation and Order re: Bellwether Personal Injury Defendant Fact Sheet and Snapshots. Snap shall complete a DFS only for Bellwether Plaintiffs that have asserted a claim against Snap. In completing this DFS, Snap is under oath and must provide information that is true and correct to the best of its knowledge, information, and belief following a reasonable investigation. Snap will provide the information requested in this DFS.

Information provided in this DFS constitutes discovery responses. The information provided herein will only be used for this litigation and is designated Confidential under the Protective Order to be entered by the Court. Snap reserves the right to supplement the information or data provided in response to this DFS.

DEFINITIONS

“YOU,” “YOUR,” or “DEFENDANT” refers to the responding defendant.

“PLATFORM” refers to Snapchat.

“ACCOUNT DELETION INITIATED BY USER” and “ACCOUNT DEACTIVATION INITIATED BY USER” are used interchangeably and both refer to a user requesting their account be removed from Snap’s infrastructure.

“ACCOUNT REACTIVATION INITIATED BY USER” refers to a user requesting their account be restored to its active state.

“ACCOUNT DISABLEMENT INITIATED BY SNAP” refers to an event when Snap decides to disable an account because the user has violated policies/standards.

“ACCOUNT REACTIVATION INITIATED BY SNAP” refers to an instance when Snap decides to restore an account that was disabled to an active state.

“BLIZZARD” refers to the event-level log of a user’s activities on the iOS or Android Platform app.

“COLD STORAGE” refers to archived BLIZZARD data that is retained in Google Cloud Service’s coldline storage, a storage solution for backup, infrequently accessed data that requires Snap to incur retrieval costs in order to access.

“DAILY AGGREGATES” refers to user-level data that is compiled at the user level for a set of defined metrics that is maintained in the ordinary course of business.

“NOTIFICATIONS” refers to alerts sent by Defendant to a user about activity on the Platform.

“NUMBER OF NOTIFICATIONS SENT BY THE PLATFORM PER DAY” refers to the total number of notifications a user receives for chats sent, chats received, group chats sent, group chats received, snaps sent, snaps received, and group snaps sent, group snaps received, as is reported in the DAILY AGGREGATES.

“NUMBER OF NOTIFICATIONS SENT BY THE PLATFORM VIA EACH DELIVERY METHOD” refers to the number of notifications sent by email, SMS, push, or Billboard per day, as is reported in non-centralized aggregated data sources that are maintained in the ordinary course of business.

“SESSIONS” is defined as beginning when a user has an iOS or Android Platform app open or in the foreground and ending when the app closes, crashes, or times out.

“START AND END TIMES OF USER SESSIONS” refers to the BLIZZARD events fired each time that the user has the iOS or Android Platform app open or in the foreground and each time that the app closes, crashes, or times out.

“TOTAL NUMBER OF USER SESSIONS PER DAY” is defined as the number of distinct SESSIONS for each user per day, as reported in the DAILY AGGREGATES.

“TOTAL TIME SPENT ON THE PLATFORM PER DAY” refers to the daily number of minutes that a user has spent on the PLATFORM as reported in the DAILY AGGREGATES and is calculated by counting the number of minutes for each user SESSION over a 24-hour period.

“WARM STORAGE” refers to BLIZZARD data that is available in BigQuery and can be accessed without needing to access to search COLD STORAGE.

“QUALIFIED ACCOUNT” refers to an account meeting the criteria for disclosure under the Stipulation and Order re: Bellwether Personal Injury Defendant Fact Sheet and Snapshots.

I. CASE INFORMATION

1. MDL Case Number:
2. Named Plaintiff:
3. Social Media User at Issue, if different from Named Plaintiff:

II. ACCOUNT INFORMATION

A. For each Qualified Account, provide the following information:

1. Associated email addresses
2. DOB associated with the account
3. Date the account was created
4. Date the account was last accessed

III. AGE PREDICTION

1. For each Qualified Account, produce data showing the age range(s) predicted for a user based on the results of age prediction model(s) used by the Platform, as reported in the Daily Aggregates.

IV. USAGE INFORMATION

A. Total Time on Platform Per Day:

1. For each Qualified Account, provide data sufficient to show Plaintiff’s total time spent on the platform per day, as reported in the Daily Aggregates. Data from September 16, 2015 to the present will be queried.

B. Sessions Per Day

1. For each Qualified Account, provide data sufficient to show Plaintiff’s total number of sessions per day, as reported in the Daily Aggregates. Data from September 16, 2015 to the present will be queried.

C. Start and End Times

1. For each Qualified Account, provide data sufficient to show the start and end time of Plaintiff's user sessions that is available in Warm Storage. Data from 485 days prior to the date that the account was first preserved will be queried.

V. NOTIFICATIONS

A. Total Number of Notifications Per Day

1. For each Qualified Account, provide data sufficient to show the number of notifications sent by the platform per day.
2. For each Qualified Account, provide data sufficient to show the number of notifications sent by the platform via each delivery method per day.

B. Time of Notification Delivery

1. For each Qualified Account, provide data sufficient to show the time that each notification was delivered to the user for a sample of three months per year for the months of December, April and August.

EXHIBIT C

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

Case No. 4:22-MD-03047-YGR

MDL NO. 3047

**[PROPOSED] DEFENDANT
FACT SHEET – TIKTOK**

This Document Relates to:

Case Caption and Civil Action No.:

**Full Name of Plaintiff (First, Middle, and
Last):**

DEFENDANT FACT SHEET - TIKTOK

Defendant TikTok Inc. (“Defendant”) submits this Defendant Fact Sheet (“DFS”) for the above-named Plaintiff.

The DFS shall be completed in accordance with the requirements set forth in the applicable Stipulation and Order re: Bellwether Personal Injury Defendant Fact Sheet and Snapshots. In completing this DFS, Defendant is under oath and must provide information that is true and correct to the best of its knowledge, information, and belief following a reasonable investigation. Defendant will provide the information requested in this DFS, or if information does not exist in the format requested, data that enables Plaintiffs to calculate or determine the requested information. The time period and format for which data exists in the ordinary course of business may vary among different types of data. Defendant is only required to provide information or data that is reasonably accessible to it in the ordinary course of business.

Information provided in this DFS constitutes discovery responses. The information provided herein will only be used for this litigation and is designated Confidential under the Protective Order to be entered by the Court. Defendant reserves the right to supplement the information or data provided in response to this DFS.

DEFINITIONS

“NOTIFICATIONS” refers to in-app push notifications sent by the Platform.

“PLATFORM” refers to the TikTok mobile application.

“PREDICTED AGE RANGE CLASSIFIER” is the predicted age range classification assigned to a user.

“SESSION(S)” is defined as beginning when a user has the Platform in the foreground and ending when the Platform closes (*i.e.*, the user returns to the home screen, another app, or turns off the device), crashes, or times out.

I. CASE INFORMATION

Defendant identifies the named Plaintiff and MDL case number in the caption above.

Social media user at issue, if different from Plaintiff named in the caption:

II. ACCOUNT INFORMATION

For each account Plaintiff has identified on the Plaintiff User Account Preservation Form and/or the Account Confirmation Form, provide the following information:

1. Associated email addresses
2. DOB associated with the account
3. Date the account was created

III. AGE PREDICTION

- A. For each account Plaintiff has identified on the Plaintiff User Account Preservation Form and/or the Account Confirmation Form, provide the Predicted Age Range Classifier.

IV. USAGE INFORMATION

- A. Total time on Platform per day: for each account Plaintiff has identified on the Plaintiff User Account Preservation Form and/or the Account Confirmation Form, provide data from July 2022 to the present which Plaintiff can calculate Plaintiff’s total Session duration on Platform per day in minutes.
- B. Sessions on Platform per day: for each account Plaintiff has identified on the Plaintiff User Account Preservation Form and/or the Account Confirmation Form, provide data from December 2022 to the present from which Plaintiff can identify the start date and time for each of Plaintiff’s Sessions on Platform per day, including the duration in seconds for each Session.

V. NOTIFICATIONS

- A. Total number of Notifications per day: for each account Plaintiff has identified on the Plaintiff User Account Preservation Form and/or the Account Confirmation Form, provide data from October 2022 to the present from which Plaintiff can identify each Notification sent to Plaintiff on Platform per day, including the time each Notification was sent.

EXHIBIT D

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

Case No. 4:22-MD-03047-YGR

MDL NO. 3047

**[PROPOSED] DEFENDANT
FACT SHEET – YOUTUBE**

This Document Relates to:

Case Caption and Civil Action No.:

**Full Name of Plaintiff (First, Middle,
and Last):**

DEFENDANT FACT SHEET – YOUTUBE

Defendants YouTube, LLC and Google LLC (collectively, “YouTube”) are submitting this Defendant Fact Sheet (“DFS”) for the above-named Plaintiff. The inclusion of all Defendant entities in this paragraph is not an admission that all Defendant entities are in the possession, custody, or control of responsive information. Plaintiff has consented to the disclosure of this information for purposes of this litigation by commencing this litigation; and if this information does not belong to Plaintiff, Plaintiff’s counsel must immediately notify YouTube and destroy all copies in their possession, custody, or control or that they have provided to Plaintiff or any third party.

The DFS shall be completed in accordance with the requirements set forth in the applicable Stipulation and Order re: Bellwether Personal Injury Defendant Fact Sheet and Snapshots. YouTube shall complete a separate DFS only for Plaintiffs that have asserted a claim against YouTube. In completing this DFS, YouTube is under oath and must provide information that is true and correct to the best of its knowledge, information, and belief following a reasonable investigation. YouTube will provide the information requested in this DFS, or if information does not exist in the format requested, data that enables Plaintiffs to calculate or determine the requested information.

Information provided in this DFS constitutes discovery responses. The information provided herein will only be used for this litigation and is designated Confidential under the Protective Order to be entered by the Court. YouTube reserves the right to supplement the information or data provided in response to this DFS.

DEFINITIONS

“YOU,” “YOUR,” or “DEFENDANT” refers to YouTube.

“PLATFORM” refers to YouTube.

“NOTIFICATIONS” refers to alerts sent by YouTube to a user about activity on the Platform.

“WATCH TIME” is the amount of time videos were played while the user was logged in with the user’s Google account, as recorded in a user’s Watch History.

“WATCH HISTORY” is a record of YouTube video(s) that were played while the user was logged in with the user’s Google account, to the extent the user’s watch history is set to “on,” Watch History data has not been deleted (*e.g.*, by the user, via retention settings, due to storage limits of approximately 80,000 watches per user), and the video has not been deleted. Some video playbacks are not recorded in watch history for privacy related reasons (*e.g.*, voice initiated without confirmed voice match).

“SEARCH HISTORY” is a record of search queries made on the Platform while logged in with the user’s Google account, to the extent the user’s search history is set to “on” and search history data has not been deleted (*e.g.*, by the user, via retention settings).

I. CASE INFORMATION

1. MDL Case Number:
2. Named Plaintiff:
3. Social Media User at Issue, if different from Named Plaintiff:

II. ACCOUNT INFORMATION

For each account Plaintiff has identified per the Stipulation and Order re: Bellwether Personal Injury Defendant Fact Sheet and Snapshots, provide the following information:

1. Associated email addresses
2. DOB associated with the account
3. Date the account was created
4. Date the account was last accessed (as of the date the query was made)

III. USAGE INFORMATION**A. Watch Time**

1. For each account Plaintiff has identified per the Stipulation and Order re: Bellwether Personal Injury Defendant Fact Sheet and Snapshots, provide data reflecting Plaintiff's Watch Time.

Username	Associated Email Address	Date Range

B. Search History

1. For each account Plaintiff has identified per the Stipulation and Order re: Bellwether Personal Injury Defendant Fact Sheet and Snapshots, provide the date range of Plaintiff's Search History that YouTube possesses and produce all corresponding data.

Username	Associated Email Address	Date Range

C. Watch History

1. For each account Plaintiff has identified per the Stipulation and Order re: Bellwether Personal Injury Defendant Fact Sheet and Snapshots, provide the date range of data YouTube possesses regarding Plaintiff's Watch History. Produce all corresponding data.

Username	Associated Email Address	Date Range of Watch History

IV. NOTIFICATIONS

1. For each account Plaintiff has identified per the Stipulation and Order re: Bellwether Personal Injury Defendant Fact Sheet and Snapshots, provide the date range of data YouTube possesses regarding the total number of notifications sent to plaintiff per day and the delivery method. Produce all corresponding data.

Username	Associated Email Address	Date Range for Notifications Per Day	Date Range for Delivery Method
		60 days prior to the date of query	60 days prior to the date of query

V. AGE ASSURANCE

1. For each account Plaintiff has identified per the Stipulation and Order re: Bellwether Personal Injury Defendant Fact Sheet and Snapshots, provide the output generated as part of the preliminary processing for implementing age assurance in regulated regions, to the extent such data exists. This data is not calibrated for use within the U.S. nor implemented in YouTube's U.S. services.

Username	Associated Email Address	Output
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